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August 19, 2024

Via ECF

Honorable Taryn A. Merkyl
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Korey Watson v. City of New York, et al.*,
23-CV-08975 (LDH) (TAM)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter. Defendant City respectfully requests that the Court (1) grant an extension of time from August 19, 2024 until September 9, 2024 to answer or otherwise respond to the Amended Complaint, and, *sua sponte*, grant a similar extension of time on behalf of defendants Kern Proherbs and Sabrina Duncan and (2) extend the deadline for the parties to complete Phase I discovery from August 30, 2024 until September 30, 2024. *See* Civil Docket Entry No. 24, 25. Plaintiff's counsel consents to these requests. This is the third request for an extension to answer and a second request for an extension of the Phase I discovery deadline.

By way of background, plaintiff alleges that, on September 7, 2022, he appeared at the Human Resources Administration office, as instructed, at 275 Bergen St., to resolve issues with his benefits when he was stabbed with a boxcutter by another individual in line for services. *See* ECF No. 1. Plaintiff alleges, *inter alia*, that defendants City of New York, FJC security, and John and Jane Doe FJC Security officers violated his both his state and federal constitutional rights, and brings additional state law claims including a claim for negligent hiring and training. *Id.* On May 29, 2024 Plaintiff filed an amended complaint adding seven John Doe defendants¹ as parties in this action. *See* Civil Docket Entry No. 18.

¹ The individually named defendants are Sabrina Dunca, Ashley Johnson, Kern Proherbs, Natasia Lyles, Tamika Jenkins, Patricia Robinson, and Sean Williams. *See* Civil Docket Entry No. 18.

On July 9, 2024, the parties appeared for a conference during which the Court set an August 9, 2024 deadline to answer or otherwise respond to the Amended Complaint and warned all defendants, who had not yet filed their answer, that the Court would not look favorably upon further requests for extensions. *See* Civil Docket Entry No. 24. On August 9, 2024 the defendants requested an additional extension until August 19, 2024 to answer or otherwise respond to the Amended Complaint, which the Court granted. *See* Civil Docket Entry No. 25, and dated August 9, 2024.

Since the August 9, 2024 the undersigned has been out of the office and unable to work as planned due to the unexpected hospitalization of a family member. The health of the undersigned's family member, and the undersigned's future availability so she can fulfill her familial obligations, remain uncertain. As such, the undersigned seeks a brief extension of time until September 9, 2024 so that defendant City can answer or otherwise respond to the Amended Complaint in accordance with their obligations under F.C.R.P. Rule 11 and so that the undersigned may resolve representation pursuant as to the individually named defendants pursuant to the General Municipal Law. *See* General Municipal Law § 50(k); *Mercurio v. City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985); *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

An extension of the Phase I discovery deadline is also requested to ensure the parties will have sufficient time to meet and confer, obtain, and exchange the additional documents necessary to engage in meaningful settlement discussions.

Accordingly, and with Plaintiff's consent, the undersigned respectfully, and regretfully, requests that the Court (1) grant an extension of time from August 19, 2024 until September 9, 2024 to answer or otherwise respond to the Amended Complaint, and, *sua sponte*, grant a similar extension of time on behalf of defendants Kern Proherbs and Sabrina Duncan and (2) extend the deadline for the parties to complete Phase I discovery from August 30, 2024 until September 30, 2024. *See* Civil Docket Entry No. 24, 25.

Thank you for your consideration herein.

Respectfully submitted,

KellyAnne Holohan /s/

KellyAnne Holohan
Senior Counsel

cc: **Via ECF**
All counsel of record